

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

KIM L. VICTOR; VMKV, a minor
by Kim L. Victor, Legal Guardian,

Plaintiffs,

Case No. 11-13103

Honorable Thomas L. Ludington

v.

DOUGLAS C. DOSSON,
THOMAS A. SWANSON,

Defendants.

ORDER DENYING PLAINTIFFS' MOTION TO STAY

On January 9, 2013, the Sixth Circuit Court of Appeals issued an order affirming the dismissal of Plaintiffs' pro se complaint. A mandate subsequently issued on February 4, 2013. On February 14, 2013, Plaintiffs filed a motion to stay the mandate in this Court, and apparently attempted to file a motion to stay with the Court of Appeals as well, pursuant to Federal Rule of Appellate Procedure 41(d).

The Court of Appeals returned Plaintiffs' motion to them unfiled because Plaintiffs had "14 days from the date of a decision to file a motion to stay the mandate." *See* Letter, *Kim Victor, et al. v. Douglas Dosson, et al.*, 12-1399 (6th Cir. Feb. 20, 2013). Plaintiffs' motion was not filed because the "mandate issued on 2/4/13, therefore it cannot be stayed as it has already issued." *Id.*

Plaintiffs' motion in this Court will be treated no differently. Even if this Court had authority to stay a mandate from the Court of Appeals (which it does not), the Sixth Circuit mandate cannot be stayed because it has already issued.

Accordingly, it is **ORDERED** that Plaintiffs' motion to stay, ECF No. 18, is **DENIED**.

Dated: March 14, 2013

s/Thomas L. Ludington
THOMAS L. LUDINGTON
United States District Judge

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on March 14, 2013.

s/Tracy A. Jacobs
TRACY A. JACOBS